

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LEONARD A. ROBINSON, et al.,)
)
 Plaintiffs,) 1:20CV47
)
 v.)
)
 CASSANDRA L. BROOKS, et al.,)
)
 Defendants.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on October 30, 2020, was served on the parties in this action. Plaintiffs filed Objections to the Magistrate Judge's Recommendation [Doc. #43] and, without authorization, tendered a second amended complaint [Doc. #42].

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection is made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

As concerns the filing of the proposed second amended complaint, Plaintiffs failed to seek the Court's leave, as required by Federal Rule of Civil Procedure 15(a)(2). In any event, the proposed second amended complaint repeats the same allegations as the operative amended complaint, which the Recommendation

deemed insufficient. Although the proposed second amended complaint bears the signature of Leonard A. Robinson, that belated correction fails to overcome the significant defects identified in the Recommendation.

IT IS THEREFORE ORDERED that this action is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

This the 31st day of August, 2021.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge